

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

Present: Hon'ble Mr. Ram Singh

-----Vice Chairman (J)

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

CLAIM PETITION NO. 83/DB/2018

Gorakhnath, S/o Shri Lal Singh, R/o House No. 151, Chawmandi near Geeta Bhawan, Roorkee, District- Haridwar.

.....**Petitioner**

VERSUS

1. State of Uttarakhand through its Principal Secretary, Forest & Environment Department, Subhash Road, Dehradun.
2. Principal Chief Conservator of Forest, Head of Forest Force (HOFF), 5 Chandrabani, Post Mohabbewala, Dehradun, Uttarakhand.
3. Sushil Kumar Lamiyan, S/o Sri Tilak Ram, R/o 85, Rajpur Road, Dehradun, Dilaram Bazar, Dehradun, Deputy Director (Statistics), Incharge in the Office of the Principal Chief Conservator of Forest, Uttarakhand, Dehradun.

.....**Respondents**

Present: Sri B.B.Naithani, Ld. Counsel
for the petitioner

Sri V.P.Devrani, Ld. A.P.O.
for the respondents No. 1 & 2

Respondent No. 3 in person

JUDGMENT

DATED: JANUARY 03, 2020

HON'BLE MR. RAM SINGH, VICE CHAIRMAN (J)

1. The petitioner has filed this petition for the following reliefs:-

“(i) The impugned order dated 03.12.2018 be quashed (Annexure No. 1).

“(ii) The respondent No. 1 & 2 be directed to prepare fresh seniority list of the officer of Statistical Officers in the

department of Forest of Govt. of Uttarakhand after placing the petitioner at proper place.

(iii) Respondent No. 1 and 2 be further directed to promote the petitioner to the post of Deputy Director, Statistics.

(iv) To issue claim, order or direction, which this Hon'ble Tribunal deem fit and proper under the circumstances of the case.

(v) Award cost of the petition. "

2. As per facts of the case, the petitioner was appointed on the post of Investigator-cum-Computer in the department of Forest in the erstwhile State of Uttar Pradesh on 31.03.1989 whereas, private respondent No. 3 joined the same service in July 1990. The seniority list for the post of Investigator-cum- Computer was also issued on 31.12.1992 in which, petitioner was shown at Sl. No. 64 and private respondent No. 3, Sushil Kumar Lamiyan was shown at Sl. No. 108. Accordingly, at the initial stage of cadre, petitioner was senior to private respondent No. 3.

3. Respondent No. 3 got accelerated promotion on the post of Additional Statistical Officer in Schedule Caste quota on 14.05.1998 and further promotion on the post of Statistical Officer on 20.12.2005, whereas petitioner got promotion on the post of Additional Statistical Officer on 11.06.2007 and on the post of Statistical Officer on 19.11.2013. The petitioner has also contended that three other officers, Shri Dinesh Chand Pandey, Sri Ramesh Chandra and Shri Mohan Chandra Pant were also promoted on the post of Additional Statistical Officer in the year 2007. Later on under the catch up rules, they were given seniority above respondent no. 3, following Rule 6 of the Uttarakhand Government Servants Seniority Rules, 2002, according to which, if a junior is promoted earlier to his senior under some accelerated quota, his senior will regain seniority after his promotion on that post. The petitioner has also contended that as per the above rules, after promotion to the post of Additional Statistical Officer and thereafter, to

the post of Statistical Officer, he regained his seniority and became senior to private respondent No. 3.

4. It has also been contended that promotional exercise for the post of Deputy Director (Statistical) has started, without finalizing the disputed seniority list of Statistical Officers, from whom the promotion is to be made. The seniority list of Statistical Officers was issued in the year 2012, in which, the name of the petitioner was not included, as he was promoted to that post in 2013.

5. It has also been contended that the post of Deputy Director, which fell vacant in October 2017 was filled up by promoting Sri Mohan Chandra Pant in May 2018, who has now retired. The post of Deputy Director is 100% promotional post from the cadre of Statistical Officer. After promotion of petitioner to the post of Statistical Officer on 19.11.2013, there was a need to issue a fresh seniority list, but respondents arbitrarily and whimsically did not issue the seniority list of Statistical Officers in the department since 2012 which compelled the petitioner to file his objections before the department. The petitioner represented to the authorities that as per Rule 6 of the Seniority Rules of 2002, the seniority in the cadre of Statistical Officer be finalized. The Chief Conservator of Forest vide letter dated 24.01.2014, recommended and forwarded the representation of petitioner to the Principal Secretary, Forest and Environment Department of the State Government, respondent No. 1, to take appropriate action and to fix the seniority of petitioner above private respondent, S.K.Lamiyan and two other persons as per the Seniority Rules of 2002.

6. Despite the positive recommendation made by the HoD, no action was taken by the State respondent No. 1, neither fresh seniority list was issued nor the name of the petitioner was added in the seniority list of the Statistical Officers. On 12.07.2018, Deputy Secretary to the Government *vide* Annexure No. A14, directed the Principal Chief

Conservator of Forest (HOFF) that as the name of Gorakh Nath (petitioner) is not included in the seniority list issued in 2012 and there is a requirement that the seniority list should be issued every two years hence, including the name of the petitioner, the seniority list needs to be finalized for which proposal should be sent to the Government. According to the petitioner, it is the requirement of the Rules that before any promotional exercise is undertaken to the next promotional cadre, seniority must be finalized. The petitioner has filed this petition with the contention that the respondents, without preparing and finalizing the seniority of available persons of Statistical Officers' cadre, are going to conduct a DPC for the year 2018 for the post of Deputy Director, which fell vacant after retirement of Sri Mohan Chandra Pant.

7. It has also been contended that such post fell vacant after 2018. The respondents without preparing and finalizing the seniority list and on the basis of seven years old seniority list of Statistical Officers, prepared in 2012, has promoted respondent No. 3 on the post of Deputy Director on 11.01.2019. Thereafter, petitioner approached the Hon'ble High Court in the writ petition from where his petition was decided and dismissed on the ground of alternative remedy. Hence, petitioner now approached this Tribunal for the above mentioned reliefs.

8. All the respondents have filed their separate Counter Affidavits.

9. The respondent No. 2 (HOD) filed his Counter Affidavit with the contention that para 1 to 9 and 13 to 15 of the claim petition are matter of record and need no reply. For other paragraphs, he has submitted that it does not pertain to the answering respondent. Hence, respondent No. 2 did not controvert the contention raised by the petitioner on any ground and virtually admitted the facts.

10. Respondent No. 1 also contended that the representation of the petitioner, sent to HOD, was considered by the committee,

comprising of Additional Chief Secretary, Forest Department in their meeting dated 29.10.2018. Deciding the representation of the petitioner, it was held that his case is covered under Rule 8. The promotion of respondent No. 3 was made in 2005 whereas, petitioner was promoted vide order dated 19.11.2013 and his selection for promotion was not made by single selection hence, petitioner did not regain his seniority and after considering the representation of the petitioner, seniority was not changed. Respondents interpreting the provisions of the Seniority Rules, 2002 have submitted that petitioner cannot claim seniority above the directly recruited persons, placed at appropriate serial number with respondent No. 3 in the seniority list, issued in the year 2012. The request of petitioner for issuing fresh seniority list was not worth accepting as his name did not figure in the seniority list of Statistical Officers, issued on 05.01.2012. He was not to be considered for promotion, neither he is entitled for the seniority hence, petition deserves to be dismissed.

11. The petition was also opposed by the private respondent on the similar grounds with the contention that petitioner cannot get his seniority under the catch-up rule, as he got promotion in the next cadre, after the promotion of the respondent. Respondent No. 3 was regularly promoted on the post of Deputy Director (Statistics) on 11.01.2019 after completion of five years' regular service on the post and against available vacancies of 2018-19. The petitioner has no *locus standi* to challenge the promotion order of respondent No. 3 to the post of Statistical Officer after 2005, as till then he was not promoted to the post of Statistical Officer. The grounds taken by the petitioner in support of his petition are merely repetition of paragraphs of the facts and are not sustainable. No cause of action duly accrued to the petitioner for filing the claim petition. Hence, claim petition deserves to be dismissed with cost.

12. The petitioner through his Rejoinder Affidavit, clarified the cadre structure of the department and submitted that respondent No. 3 being a member of the reserved category, was granted accelerated promotion in 2005 on the post of Statistical Officer although he was much junior to the petitioner in the feeding cadre. At the time of promotion of the petitioner on the post of Statistical Officer, a final seniority list dated 05.01.2012 was existing which was based on the position as it existed on 01.09.2011. Accordingly, the name of the petitioner was not included therein and after his promotion to that post, petitioner made a representation on 22.01.2013 through proper channel before the Principal Secretary, Forest Department with the request to include his name in the seniority list of Statistical Officers by placing his name above respondent No. 3, as he regained his seniority as per law. The said representation was forwarded by the HoD to the Principal Secretary to the Government vide his letter dated 24.01.2014 but for long, no action was taken at the level of the government to include the name of the petitioner in the seniority list. The Principal Chief Conservator of Forest himself requested to the Government to issue instructions to the competent authority to include the name of the petitioner and then to issue modified/corrected seniority list of Statistical Officers. But the respondent No. 1 without including the name of the petitioner in the seniority list of Statistical Officers, has further promoted respondent No. 3 on the post of Deputy Director (Statistics), without considering the name of petitioner and without finalizing the seniority list, and much junior person to him in the feeding cadre, has been promoted. The respondent No.1 has made above promotion on the post of Deputy Director (Statistics) from the post of Statistical Officer, not only without preparing the correct and upto-date seniority list of Statistical Officers, but also totally ignoring the recommendations made by the HOD vide his letter dated 25.11.2018 with regard to preparing a fresh seniority list of Statistical Officers. The Deputy Secretary to the Government vide his letter dated 12.07.2018 (Annexure: A14) also

directed the HOD to send a proposal of seniority including the names of all the Statistical Officers in the seniority list. The Principal Secretary, Forest Department, without considering the objections filed by the respondent No. 3, decided the final seniority list dated 05.01.2012 as valid, while on the other hand, some persons promoted later, to the post of Statistical Officers, were placed above the private respondent No. 3 in the seniority list.

13. The private respondent No. 3 challenged the said list before this Tribunal *vide* claim petition No. 23/DB/2013, but the same was dismissed on the basis of the Rule 6 with its explanation of Seniority Rules of 2002. The Deputy Secretary, Government of Uttarakhand *vide* letter dated 12.07.2018 had also requisitioned a proposal of seniority list of the Statistical Officers by including names of all the Statistical Officers therein. The Principal Conservator of Forest has already sent a proposal of Seniority of the Statistical Officers *vide* his letter dated 09.08.2019 but no action has been taken to prepare upto-date seniority list nor promotion granted to respondent No. 3 has been modified.

14. It is also contended that the petitioner holding the post of Statistical Officer since 2013, was eligible to be considered for promotion for the post of Deputy Director (Statistics), during the promotional exercise made in the year 2019, but no seniority list was updated and on the basis of seven years old seniority list, leaving the name of the petitioner, promotion was finalized, which is against the Government directions and guidelines. The action of the respondents is violative of Article 14, 16 and 309 of the Constitution of India. There was a requirement of law that an undisputed seniority list must have been prepared and finalized before the meeting of DPC, but ignoring all the rules, the claim of the petitioner was ignored and his junior was promoted. The representation of the petitioner was wrongly dismissed by the state respondents *vide* order dated 03.12.2018 hence, the abovementioned prayer has been made by way of this petition.

15. We have heard both the sides and perused the record.

16. It is an admitted fact between the parties that the petitioner and respondent No. 3 initially entered into the same department on the same post. The petitioner was appointed on 31.03.1989 whereas, private respondent no. 3 joined the service in July, 1990 in the erstwhile state of Uttar Pradesh. The seniority list of the initial post was also issued on 31.12.1992. The petitioner was placed at sl. No. 64 much higher to the respondent No. 3, whose name was placed at Sl. no. 108 in the seniority list and admittedly, in the initial cadre, the petitioner was senior to the private respondent No. 3.

17. The record reveals that private respondent No. 3 got accelerated promotion under the reserved quota on the next post of Additional Statistical Officer on 14.05.1998 and also his next promotion on the post of Statistical Officer on 20.12.2005, whereas, petitioner was promoted as Additional Statistical Officer on 11.06.2007 and as Statistical Officer on 19.11.2013. It is also admitted that three other persons, namely, Shri Dinesh Chandra Pandey, Sri Ramesh Chandra and Shri Mohan Chandra Pant of the said cadre also got their first promotion after private respondent No. 3 in the year 2007 and they regained their seniority in the promoted cadre. It is also admitted that one of them Sri Mohan Chandra Pant got further promotion upto the post of Deputy Director in May, 2018. The record also reveals that after allocation to the State of Uttarakhand, a seniority list of the post of Statistical Officers was issued in 2012. The name of the petitioner was not included in that list as he was promoted thereafter in the year 2013. After promotion of the petitioner on the post of Statistical Officer on 19.11.2013, he became eligible to be included in the seniority list of Statistical Officers and also for promotion to the next higher cadre. But, no seniority list was ever issued by the department after 2012.

18. The whole case of the petitioner is based on the fact that it was the requirement of the law that the seniority list of a cadre must have been issued after every two years and it should be updated and finalized, certainly, before taking further promotional exercise. The petitioner submitted his representation to the government through his HOD for updating the seniority list of the post of Statistical Officers and to include his name in the seniority list of such post. His representation dated 22.11.2013 (Annexure No. A11) was duly forwarded by the HOD vide his letter dated 24.1.2014 (Annexure: A12) to the government, to fix his name in the cadre, above the private respondent No. 3.

19. The record reveals that inspite of the recommendation made by the respondent No. 2, no action was taken by the respondent No. 1 for drawing updated seniority list, nor the name of the petitioner was added in the seniority list, to be prepared as per the rules. The court finds that when the petitioner was promoted to the cadre of Statistical Officers in 2013, there was a requirement of the law that his name should have been included in the seniority list of the post of Statistical Officers at the appropriate place and after issuing tentative seniority list and considering objections submitted by all the persons, seniority list must have been finalized.

20. Next promotional post from the post of Statistical Officer is of "Deputy Director (Statistics)" which can be filled up 100 % by promotion. It is admitted to both the parties that such post of Deputy Director fell vacant in October 2017. That post was later on filled up by the respondent No. 1 in May, 2018 and Sri Mohan Chandra Pant was promoted accordingly and after his retirement, that post again fell vacant. The record also reveals that the final promotion of the private respondent No. 3 to such post was made on 11.01.2019, but before such promotional exercise, an updated seniority list of the persons of the cadre of Statistical Officers was neither prepared nor finalized, and on the basis of the old seniority list of 2012, the persons included therein,

were considered, leaving all other persons who were inducted in the cadre of Statistical Officers after 2012.

21. The court is of the view that by doing such exercise, respondent No. 1 was not justified, rather they have violated their own guidelines, mentioned in the Karmik Anubhag-2 G.O. No. 1801-Karmik-2/2002 dated 23.06.2003, where the procedure to be adopted to fill up different posts under the government is prescribed. Such guidelines are mentioned at Annexure No. A-15. The guidelines No. 13, 14 and 40(3) are very relevant for this purpose, which read as under:

“(13) ज्येष्ठता आदि के अनिर्णीत प्रकरण विद्यमान होने पर, चयन समिति की बैठक आहूत करने के पूर्व विभाग द्वारा इन विषयों पर अन्तिम निर्णय ले लिया जाये और जब अन्तिम निर्णय सक्षम स्तर से हो जाये तभी चयन समिति की बैठक आहूत की जाये।

(14) पात्रता सूची की तैयारी हेतु निर्विवाद ज्येष्ठता सूची का ही प्रयोग किया जाय। प्रस्तावित, अनन्तिम या विवादित ज्येष्ठता सूची तैयार कर चयन किया जाना उचित नहीं है।

(40)(3) चयन कार्यवाही हेतु ज्येष्ठता सूची का निर्विवादित होना अनिवार्य है। अतः पद से संबंधित ज्येष्ठता सूची निर्विवाद होने का प्रमाण-पत्र अंकित किया जाय।

.....”

22. The contention of the petitioner is that the DPC for promotion to the post of Deputy Director was called without preparing the updated seniority list of all the persons of the cadre and without finalizing the same. We hold that there was no justification to consider only those persons who found place in 7 years' old seniority list of 2012 excluding others in the cadre of Statistical Officers whereas, the vacancy for which promotion was to be considered, fell only in the year 2018. Hence, it was the requirement of the law that all the eligible persons of the cadre from whom, promotion was to be made, must have been considered for such post. The petitioner has been denied his constitutional right of equality, and employment to be considered for promotional post at the time of filling of vacancy. It cannot be denied that the petitioner was very much in the cadre of Statistical Officers since 2013, and without considering him

against the vacant post in 2018, the promotional exercise was clearly violative to Article 14, 16 and 309 of the Constitution of India, rules of the Government as well as established norms of the service rules.

23. We also find that when representation of the petitioner was made in the year 2013 and his representation was forwarded by the HOD to the government for inclusion of his name and preparing the new seniority list as per law, then it was not justified on the part of the respondent No. 1 to exclude the persons, working in the cadre of Statistical Officers, to be considered for promotion to the post of Deputy Director. The petitioner has a very strong and fair case before the court. We hold that without considering the claim of petitioner, without drawing upto-date seniority list and without finalizing the same, the promotional exercise done in 2018, was not only against the provisions of the constitution, it was also against the provisions of the service rules, guidelines of the Government and principles of natural justice.

24. We are also of the view that before undertaking promotional exercise to the post of Deputy Director (Statistics), seniority of the persons in the cadre of Statistical Officers must have been drawn and must have been prepared and finalized first and thereafter, affixing a certificate to this effect, that seniority is undisputed, then only, a meeting of the DPC should have been held for promotion to next cadre. The order (Annexure: A1) passed by the respondent No. 1 clearly shows that the request made by the petitioner with the Government, that in view of his promotion to the post of Statistical Officer, an amended seniority list of said post must be issued, was not legally decided. The request of the petitioner was wrongly decided and interpreting different provisions of seniority rules, his prayer for granting seniority above respondent No. 3 was rejected. We hold that no such exercise for drawing a tentative and final seniority list as per law and rules, was ever made by the State respondents.

25. The petitioner has also challenged the grounds taken by the respondents in the impugned order dated 03.12.2018 (Annexure: A1). The basis for rejection of his request was made to be the provision of Rule 8. It is contended that the respondent No. 1 did not properly interpret the provisions of the seniority rules.

26. We hold that as per rule 8 of the Seniority Rules of 2002, the seniority of the persons appointed by promotion and direct recruitment, are to be fixed. As per sub rule (2) of Rule 8, the inter se seniority of the persons appointed on the result of any one selection by promotion, shall be as determined in accordance with the principles laid down in rule 6 or 7, as the case may be.

27. It is contended on behalf of the petitioner that in this case, the promotions of petitioner and private respondent No. 3 were to be made from single feeding cadre to which petitioner and respondent No. 3 belong. After Rule-8, again invoking the provisions of Rule 6, inter-se seniority of the persons so appointed by promotion, shall be the same as it was in the feeding cadre. As per Rule 6 and its explanation, a person senior in the feeding cadre shall, even though promoted after the promotion of a person junior to him in the feeding cadre, in the cadre to which they are promoted, regain the seniority as it was in the feeding cadre.

28. We hold that in this case, Rule 8 and thereafter, Rule 6 along with its explanation of the Seniority Rules of 2002 will apply. Rule 6 and its explanation and Rule 8 read as under:

“6. Where according to the service rules, appointments are to be made only by promotion from a single feeding cadre, the seniority inter se of persons so appointed shall be the same as it was in the feeding cadre.

***Explanation**—A person senior in the feeding cadre shall even though promoted after the promotion of a person junior to him in the feeding cadre shall, in the cadre to which they are promoted, regain the seniority as it was in the feeding cadre.”*

8. Seniority where appointments by promotion only from and direct recruitment--

(1) Where according to the service rules appointments are made both by promotion and by direct recruitment, the seniority of persons appointed

shall, subject to the provisions of the following sub-rules, be determined from the date of the order of their substantive appointments and if two or more persons are appointed together, in the order in which their names are arranged in the appointment order:

Provided that if the appointment order specifies a particular back date, with effect from which a person is substantively appointed, that date will be deemed to be the date of order of substantive appointment and, in other cases, it will mean the date of order :

Provided further that a candidate recruitment directly may lose his seniority, if he fails to join without valid reasons, when vacancy is offered to him the decision of the appointing authority as to the validity of reasons, shall be final.

- (2) *The seniority inter se of persons appointed on the result of any one selection-*
- (a) *through direct recruitment, shall be the same as it is shown in the merit list prepared by the Commission or by the Committee, as the case may be;*
- (b) *by promotion, shall be as determined in accordance with the principles laid down in rule 6 or rule 7, as the case may be, according as the promotion are to be made from a single feeding cadre or several feeding cadres.*
- (3) *Where appointments are made both by promotion and direct recruitment on the result of any one selection the seniority of promotees vis-a-vis direct recruits shall be determined in a cyclic order the first being a promotee as far as may be , in accordance with the quota prescribed for the two sources.*

Illustrations--(1) *Where the quota of promotees and direct recruits is in the proportion of 1:1 the seniority shall be in the following order :--*

First Promotee

Second Direct recruits and so on.

(2) *Where the said quota is in the proportion of 1:3 the seniority shall be in the following order :--*

First Promotee

Second to fourth Direct recruits

Fifth Promotee

Sixth to eight Direct recruits and so on.

Provided that--

- (i) *where appointments from any source are made in excess of the prescribed quota, the persons appointed in excess of quota shall be pushed down, for seniority, to subsequent year in which there are vacancies in accordance with the quota;*
- (ii) *where appointments from any source fall short of the prescribed quota and appointment against such unfilled vacancies are made in subsequent year or years, the persons so appointed shall not get seniority of any earlier year but shall get the seniority of the year in which their appointments are made, so however, that their names shall be placed at the top followed by the names, in the cyclic order of the other appointees;*

(iii) where, in accordance with the service rules the unfilled vacancies from any source could, in the circumstances mentioned in the relevant service rules be filled from the other source and appointment in excess of quota are so made, the persons so appointed shall get the seniority of that very year as if they are appointed against the vacancies of their quota.”

29. We are not deciding this issue now as to whether petitioner is senior to respondent No. 3, because such matter was not even decided by the government as per the rules. But, when the representation was submitted by the petitioner to the government in 2013, to include his name in the seniority list, it was the requirement of the law that an updated seniority list of the persons in the cadre of Statistical Officers (including newly promoted officers) must have been prepared and after inviting objections from all the parties, updated final seniority list up to the year 2018 must have been prepared and thereafter, on the basis of that final seniority list, promotional exercise in the year 2018 should have been done. In our view, respondent No. 1 has violated all such rules and procedure while doing the promotional exercise of respondent No. 3 to the post of Deputy Director (Statistics). The petitioner was entitled to be considered for promotion as he was in the cadre of Statistical Officers on such date. Hence, we hold that the seniority of the petitioner *vis-à-vis* respondent No. 3 and other eligible persons on the post of Statistical Officers has not been finalized till today, which was to be finalized as per the rules before taking further promotional exercise.

30. In view of the above, the impugned order dated 03.12.2018 needs to be set aside. The state respondents, as per law, are required to settle the seniority of the persons in the cadre of Statistical Officers upto the year 2018, before undertaking the promotional exercise to the post of Deputy Director.

31. We have noticed that petitioner in his petition has not directly sought the relief for cancellation of promotion of respondent No. 3, rather he has requested for a direction for the respondents No. 1 & 2 to promote the petitioner on the post of Deputy Director (Statistics) as per

his right. Under the above circumstances, we are of the view that after quashing the order dated 03.12.2018 there is a need for a direction to the respondents to settle the seniority list of the persons of the Statistical Officers cadre, including the petitioner and private respondent No. 3 and for considering the claim of the petitioner for promotion to the post of Deputy Director, necessary action, whatsoever, be taken in accordance with law. Hence, the petition deserves to be allowed and the following order is hereby passed.

ORDER

The claim petition is hereby allowed. The impugned order dated 03.12.2018 (Annexure: A1) is hereby quashed.

The state respondents are directed to prepare fresh seniority list of the officers of the Statistical Officers rank in the department of Forest including all the persons working in the cadre upto 2018 (before the promotional exercise on the post of Deputy Director) in accordance with law. After finalizing the seniority list, the respondents are directed to consider the claim of the petitioner for promotion to the post of Deputy Director in accordance with law within a period of four months from today.

If the private respondent No. 3 is placed lower to the petitioner in the final seniority list of Statistical Officers, the petitioner, if found fit, be also granted notional promotion and seniority from the date when the respondent No. 3 was promoted to the post of Deputy Director (Statistics).

No order as to costs.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(RAM SINGH)
VICE CHAIRMAN (J)

DATED: JANUARY 03, 2020
DEHRADUN.
KNP